

10- R -0250

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**ADOPTED BY  
FEB 15 2010  
COUNCIL**

FEB 15 2010

APPROVED: ROGER BHANDARI  
ACTING CITY ATTORNEY

BY: JERRY L. DELOACH  
**DEPUTY CITY ATTORNEY**

# FAVORABLE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 2/9/10

CFR 10

Brother

James M. Shepherd  
Master Archib



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0250**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Andrea G. Roberson** the sum of **\$1,386.78** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **driving over a pothole on December 3, 2009 at Chattahoochee Avenue, NW & Permalume Place** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/5212005/1512000**.

A true copy

Deputy Clerk

**ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed**

**FEB 15, 2010  
FEB 22, 2010**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1004

Date: December 30, 2009

Claimant /Victim ANDREA G. ROBERSON  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 3935 Flowerland Drive, NE, Atlanta, 30319  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,386.78 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 12/15/09 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 12/3/09 Place: Chattahoochee Avenue, NW & Permalume Place, NW  
Department PUBLIC WORKS Bureau: \_\_\_\_\_ Office: Transportation Services  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained vehicular damages when she drove over a pot hole in the road at the above-location. An investigation has determined that the City was on notice of a defect problem prior to the date of the claimant's incident but failed to properly repair the area.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 1,386.78 Adverse \_\_\_\_\_ Account charged: General Fund X Water & Sewer \_\_\_\_\_ Aviation \_\_\_\_\_  
Claims Manager: \_\_\_\_\_ Concur/date 01/21/10  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
35 Trinity Avenue, SW  
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 12/13/2009

ENTERED - 12-16-09 - SB

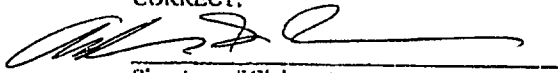
09L1004 - G. BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1386.78 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of Incident: 12/13/09 2. Time of Incident: APPROX 5:40 PM 3. Police called: NO
4. Location of incident (including street address): SLIGHTLY PAST: 1285 CHATTAHOOCHEE AVE  
ATLANTA, GA 30318
5. Name of your insurance company: STATE FARM Policy No. 131 9839-D03-11E
6. State what and how incident occurred: I WAS DRIVING ON CHATTAHOOCHEE  
AVE FROM HOWELL MILL AND HIT A DEEP  
UNMARKED POT HOLE WHICH BENT THE TMS OF  
MY CARS 2 RIGHT TIRES. SEE ATTACHED FOR DETAILS
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.
- Your vehicle: ACURA TL 2008 GA161D ANDREA G ROBERSON  
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: CATHERINE MESA (404-964-4195)  
JANE HARDWICK-TRIPLETT (770-910-9301)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE  
ABOVE INFORMATION IS TRUE AND  
CORRECT.

  
Signature of Claimant

ANDREA G ROBERSON  
(Print Claimant's Name)

3935 FLOWERLAND DR NE  
(Address)

ATLANTA, GA 30319  
(City, State and Zip Code)

678-843-2664 770-457-5885  
(Work Number) (Home Number)

CELL: 770-355-9794

10- R-0250

RCS# 70  
2/15/10  
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT I

		02-15-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0163 2. 10-O-0167 3. 10-O-0229 4. 10-O-0317 5. 10-O-0153 6. 10-O-0154 7. 10-O-0155 8. 10-O-0156 9. 10-O-0158 10. 10-O-0159 11. 10-O-0157 12. 10-R-0242 13. 10-R-0243 14. 10-R-0124 15. 10-R-0282 16. 10-R-0283 17. 10-R-0284 19. 10-R-0285 20. 10-R-0286 21. 10-R-0287 22. 10-R-0295 23. 10-R-0299 24. 10-R-0300 25. 10-R-0301 26. 10-R-0302 27. 10-R-0233 28. 10-R-0234 29. 10-R-0235 30. 10-R-0236 31. 10-R-0237 32. 10-R-0238 33. 10-R-0239 34. 10-R-0240 35. 10-R-0316	36. 10-R-0160 37. 10-R-0244 38. 10-R-0245 39. 10-R-0246 40. 10-R-0247 41. 10-R-0248 42. 10-R-0249 43. 10-R-0250 44. 10-R-0251 45. 10-R-0252 46. 10-R-0253 47. 10-R-0254 48. 10-R-0255 49. 10-R-0256 50. 10-R-0257 51. 10-R-0258 52. 10-R-0259	53. 10-R-0260 54. 10-R-0261 55. 10-R-0262 56. 10-R-0263 57. 10-R-0264 58. 10-R-0265 59. 10-R-0266 60. 10-R-0267 61. 10-R-0268 62. 10-R-0269 63. 10-R-0270 64. 10-R-0271 65. 10-R-0272 66. 10-R-0273 67. 10-R-0274